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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,923	08/31/2001	Rafael Joory	11788-004001	8109

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EXAMINER

CONNOLLY, MARK A

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,923

Applicant(s)

JOORY, RAFAEL

Examiner

Mark Connolly

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 17-28, 30-42 and 46-57 is/are rejected.
- 7) ☒ Claim(s) 14-16, 29, 43-45 and 58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-58 have been presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 7, 8, 23, 30, 33, 36, 37 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunter et al [Hunter] US Pat No 6161176.
4. Referring to claim 1, Hunter teaches the invention including:
 - a. identifying first setup data accessible to at least one but less than all destination software applications performed by the destination computer [Abstract and col. 10 lines 5-6]. It is inherent that in order to save a piece of data that it must first be identified. In addition because not all possible settings need to be retrieved, it is interpreted that not all software applications would have setup data accessible to them.
 - b. preserving the first setup data [Abstract].
 - c. enabling use by less than all of the destination software applications of second setup data rather than the first setup data [fig. 6, Abstract and col. 2 lines 28-36].
5. Referring to claim 4, Hunter teaches the first setup data is located from within a registry which is well known to comprise other settings [col. 3 line 64-col. 4 line 6].

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6. Referring to claim 7, Hunter teaches that the settings are retrieved from a network and therefore in order to retrieve setup data from a network it must be stored on a network first [col. 4 lines 1-6]. It is therefore interpreted that the first setup data is stored on a remote computer through the network.

7. Referring to claim 8, Hunter teaches that the second setup data replaces the first setup data and since the first setup data is no longer on the destination computer, it is interpreted that the first setup data is deleted from the destination computer [fig. 6].

8. Referring to claim 23, Hunter teaches that setup data can comprise a custom dictionary which is interpreted as end-purpose data [col. 10 lines 34-36].

9. Referring to claims 30, 33, 36, 37 and 52, these are rejected on the same basis as set forth hereinabove. Hunter teaches the method and therefore teaches program stored on a computer readable medium performing the method.

10. Claims 1, 3-6, 9, 17, 24-26, 30, 32-35, 38, 46 and 53-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Akiyama et al [Akiyama] US Pat No 6757821.

11. Referring to claim 1, Akiyama teaches the invention including:

- a. identifying first setup data accessible to at least one but less than all destination software applications performed by the destination computer [abstract and col. 6 lines 42-50]. Because not all "modes" comprise all of the same setting information groups (i.e. browser, network, etc...) it is interpreted that some settings for other software applications would not be accessible.
- b. preserving the first setup data [abstract and col. 2 lines 8-11].

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- c. enabling use by less than all of the destination software applications of second setup data rather than the first setup data [abstract, col. 2 lines 12-17 and col. 6 lines 42-50].
- 12. Referring to claim 3, because the Akiyama system uses the second setup data once the second setup data is enabled rather than the first, it is interpreted by the examiner that the first setup data becomes inaccessible to the software applications.
- 13. Referring to claim 4, Akiyama teaches that the first setup data is identified from the registry which comprises other data.
- 14. Referring to claim 5, Akiyama teaches that the first setup data is stored on a local hard disk and that the second setup data is written in place of the first setup data [col. 4 lines 51-59 and col. 8 lines 63-67].
- 15. Referring to claim 6, Akiyama teaches deleting the first setup data after storing it [col. 5 lines 43-49].
- 16. Referring to claim 9, Akiyama teaches that the system associates the second setup data with a secondary identity [fig. 4 and col. 7 lines 30-32].
- 17. Referring to claim 17, Akiyama teaches that the first setup data includes configuration settings for an application [abstract and col. 5 lines 7-39].
- 18. Referring to claim 24, this is rejected on the same basis as set forth hereinabove, furthermore Akiyama teaches restoring an original setting [col. 10 line 64-67]. A previous setting is interpreted as an original setting because it would be the setting that was originally set before the enabling of the second setup data.

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19. Referring to claims 25 and 26, by reverting the settings back to the original settings, the original setting would be written in place of the other settings. Because setting which are currently active in the Akiyama system are written in the registry [abstract], when the system is reverted back to the original settings, the original settings are written back to the registry thereby causing the other settings to be deleted from the registry.

20. Referring to claims 30, 32-35, 38, 46 and 53-55, these are rejected on the same basis as set forth hereinabove. Akiyama teaches the method and therefore teaches program stored on a computer readable medium performing the method.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 2 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter as applied to claims 1, 4, 7, 8, 23, 30, 33, 36, 37 and 52.

23. Referring to claim 2, although the Hunter system provides a means to dynamically change the name of which settings file to load, there are other prior art systems which can only load a particular settings file which is pre-programmed into a software application. For example, when the DOS operating system loads it must locate the file "CONFIG.SYS" to load configuration information. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Hunter system to be able to substitute a second setup data for

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a first setup data by renaming the first setup data with a second name and rename the second setup data as a first name because it would provide the Hunter system added flexibility in that the system could be used with other prior art systems and programs which can not dynamically load different settings files.

24. Referring to claim 31, this is rejected on the same basis as set forth hereinabove. Hunter teaches the method and therefore teaches program stored on a computer readable medium performing the method.

25. Claims 10-13, 27-28, 39-42 and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama as applied to claims 1, 3-6, 9, 17, 24-26, 30, 32-35, 38, 46 and 53-55 above.

26. Referring to claim 10, Akiyama teaches having multiple identities, which access the different setup data [fig. 15 and col. 11 line 55-col. 12 line 11]. It is not explicitly taught that the Akiyama system uses pointers to enable access to the setup data. Because the different identities reference a plurality of different setup data, which is stored in a remote location (i.e. database), it is interpreted that the identities reference the setup data by the use of a pointer.

27. Referring to claims 11 and 12, Akiyama teaches that setup data in the database are saved in the registry in order to change the environment [col. 8 lines 63-67]. There is no explicit teaching as to if Akiyama moves or copies the setup data. It is obvious that the setup data could be either moved or copied from the database to the registry because both provide a means to change the registry contents in order to change the environment.

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28. Referring to claim 13, although the software applications found in the Akiyama system switch between a first and second setup data, the switch is performed by an environment switching program transparent which is separate from the software associated with the setup data. It is therefore interpreted that because an external program is responsible for switching between a first and second setup data and not the software application itself, that the software application is designed to support a single identity.

29. Referring to claim 27, this is rejected on the same basis as set forth hereinabove.

30. Referring to claim 28, Akiyama teaches different environments which are interpreted as profiles [abstract].

31. Referring to claims 39-42 and 56-57, these are rejected on the same basis as set forth hereinabove. Akiyama teaches the method and therefore teaches program stored on a computer readable medium performing the method.

32. Claims 18-19, 21-22, 47-48 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama as applied to claims 1, 3-6, 9-13, 17, 24-28, 30, 32-35, 38-42, 46 and 53-57 above, and further in view of Tate et al [Tate] US Pat No 6493751.

33. Referring to claims 18 and 19, Akiyama teaches that the data is local to the destination computer. Therefore Akiyama does not teach that the first or second data was previously established at a computer other than the destination computer. Tate teaches establishing a setup data at a computer other than the destination computer [col. 14 lines 38-54]. It would have been obvious to include the teachings of Tate into the Akiyama system because it would enable a user

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to transport setup data from one computer to another thereby increasing the flexibility of the system.

34. Referring to claim 20, Tate teaches that setup data is established by a manager which is solely responsible for managing and editing the setup data [col. 4 lines 35-45]. Because the manager does not execute the setup data, it is interpreted that the manager is not destination software.

35. Referring to claims 21 and 22, the Akiyama-Tate system teaches importing setup data from a first computer to a destination computer. Therefore it is obvious that a user who has never used the destination computer could import their second setup data to the destination computer.

36. Referring to claims 47-48 and 50-51, these are rejected on the same basis as set forth hereinabove. Akiyama and Tate teach the method and therefore teach program stored on a computer readable medium which performs the method.

Allowable Subject Matter

37. Claims 14-16, 29, 43-45 and 58 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (703) 305-7849. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C Lee can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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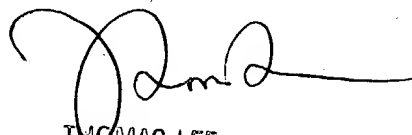
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September 21, 2004


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